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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/528,553	03/20/2000	Ulf Gustafson	46586-2	4954

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RALEIGH, NC 27602

EXAMINER

HYUN, SOON D

ART UNIT PAPER NUMBER

2663

DATE MAILED: 06/15/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/528,553

Applicant(s)

GUSTAFSON ET AL.

Examiner

Soon D Hyun

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 52-57 is/are allowed.
- 6) ☒ Claim(s) 12-20, 22-34, 37-40, 42-51 and 58-60 is/are rejected.
- 7) ☒ Claim(s) 21, 35, 36 and 41 is/are objected to:
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 12-20, 22-34, 37-40, 42-51, and 58-60 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

2. Claim 35 is objected to because of the following informalities.

1 In line 4, "servers" should be changed to – services – to avoid lack of antecedent basis.

Appropriate correction is required.

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### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 12-18, 23-25, 27-32, 34, 58-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al (U.S. Patent No. 6,487,406).

Regarding claim 12, Chang et al (Chang) discloses an apparatus in a telecommunication network (FIG. 2) containing a MSC (12) comprising:

Art Unit: 2663

an access control server (a gateway router 32) connected to one base station (16), the base station being in wireless communication with at least one mobile station (MS 18), the base station having a circuit-switched connection to the MSC, whereby the access control server facilitates packetized communications within the communication network independent of the MSC, the MSC facilitating only circuit-switched communications within the telecommunication network (col. 4, lines 1-19).

Regarding claims 13, and 58-60, Chang et al (Chang) discloses a method for providing packetized communications within a telecommunication network (FIG. 2) having a MSC (12) comprising:

transceiving a packetized communication between at least one mobile station (MS 18) and a base station (16);

processing, by an access control node (a gateway router 32) within the telecommunication network, the packetized communication, the access control node being connected to the base station to transceive the packetized communication by passing the MSC (col. 4, lines 1-19).

Regarding claim 14, Chang further discloses that the at least mobile station comprises a mixture of legacy mobile stations and all packetized mobile stations (col. 4, lines 1-19 and FIG. 5).

Regarding claim 15, Chang further discloses a Packet Authentication Center (PAC) (a home agent HA, 42) in communication with the access control server (col. 7, lines 28-35).

Art Unit: 2663

Regarding claims 16, 23, 27, and 31, Chang further discloses that the HA contains subscriber profiles (IP addresses) and authorization of packet data (registration diagram), see col. 7, lines 18-35. The access control center (ACS) of claim 27 is equivalent to the access control node.

Regarding claim 17, Chang further discloses that the apparatus comprises a home location register (HRL) 22.

Regarding claim 18, Chang further discloses that the communication network comprises a packet data service network (Internet 34) in communication with the base station (FIG. 2)

Regarding claims 24, 29, 30, and 34, Chang further discloses that the access control node (a gateway router 32) is responsible for bear control and mobility management with packet services (col. 9, lines 1-40).

Regarding claim 25, Chang further discloses that the MSC maintains control and handling procedures for circuit-switched communications (col. 4, lines 1-19).

Regarding claims 28 and 32, Chang further discloses that the PAC and ACS communicate over IP based communication link (FIG. 5).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19, 20 22, 26, 37-40, and 42-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al (U.S. Patent No. 6,487,406).

Regarding claims 19 and 20, Chang teach that the HA has functions of authorization and authentication, but does not explicitly teach that the HA performs an account function. It will be apparent to those of skill in the art that the HRL performs an account function for the circuit-switched communications and the HA performs for the packet switched network analogous functions to the HRL when the mobile station is connected to the packet switched network. Therefore, it would have been obvious to one having ordinary skill in the art to incorporate an account function into the HA in communication with the access control server.

Regarding claim 22, Chang further discloses that the communication network comprises a packet data service network (Internet 34) in communication with the base station via a packet control function (FIG. 2).

Regarding claims 26, 37, and 42, Chang does not explicitly that the communication network comprises a CDMA wireless telecommunication network. It will be apparent to those of skill in the art that CDMA, FDMA, and TDMA are protocols used for a wireless communication network. Therefore, it would have been obvious to one having ordinary skill in the art to use one of the protocols for Chang as long as no unexpected results can be seen from the use of the CDMA.

Regarding claim 33, Chang does not teach VOIP, but it would have been obvious to one having ordinary skill in the art to incorporate VOIP into Chang to save communication cost.

Art Unit: 2663

Regarding claim 38, refer to the discussion for the claims 25 and 37.

Regarding claim 39, Chang further discloses that the circuit-switched communications with the MSC comprises voice only communications (col. 4 lines 1-19).

Regarding claim 40, refer to the discussion for the claim 17.

Regarding claim 43, refer to the discussion for the claim 28.

Regarding claim 44, refer to the discussion for the claim 15.

Regarding claim 45, refer to the discussion for the claim 16.

Regarding claim 46, refer to the discussion for the claim 18.

Regarding claims 47 and 49, refer to the discussion for the claim 19.

Regarding claim 48, refer to the discussion for the claim 22.

Regarding claim 50, refer to the discussion for the claim 23.

Regarding claim 51, refer to the discussion for the claim 24.

### ***Allowable Subject Matter***

7. Claims 52-57 are allowed.
8. Claims 21, 35, and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soon-Dong Hyun whose telephone number is (703)

Art Unit: 2663

305-4550. The examiner can normally be reached on Monday-Friday from 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen, can be reached on (703) 308-5340.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

10. Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

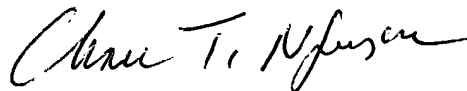
Alexandria, VA 22313-1450

Or faxed to: 703-872-9306 for formal communications intended for entry with a label of "OFFICIAL" and for informal or draft communications with a label of "PROPOSED" or "DRAFT" (attn: Art Unit 2663, Soon-Dong Hyun).



S. Hyun

06/12/2004



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SUPERVISORY PATENT EXAMINER  
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